IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 23485 of 1999

Between:

A.P. State Road Transport Corporation, rep. By its M.D.,
Mushirabad, Hyderabad

... PETITIONER

AND

1. State Transport Appellate Tribunal, A.P., Hyderabad
Represented by its Presiding Officer.

2. Regional Transport Authority,
East Godavari, rep. By its Secretary

3. Ch.Narasimha Swamy,
S/o Satyanarayana,
Door No.4-13-8,
Tarvanipet, Mandapeta,
East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, especially in the nature of Writ of Certiorari, calling for the records relating to the impugned Order dt.29.09.1999 made in M.P.No.218/99 in AP.No.549/98, STAT, A.P., Hyderabad dismissing the Implead Petition in M.Pno.218 of 99, and quash the same as being illegal, without jurisdiction and invalid, and pass such other and further orders to meet the ends of justice.

For the Petitioner: MR.K.HARINATH

For the Respondent No.:

The Court Made the Following Order:

ORDER:

Heard the learned counsel for petitioner. None appears for respondents in spite of service.

In view of the law declared by this Court in **APSRTC V. SECRETARY TO GOVERNMENT. TRANSPORT DEPT. AND OTHERS** [1] that State Road Transport Corporation has to be invariably heard by the State Transport Appellate Tribunal before considering the grant of any such permit, which overlapped the approved scheme, the impugned order passed by the STAT rejecting the request of the APSRTC to come on record objecting the grant of permit on the route, which overlaps the scheme, cannot be sustainable and the same is accordingly set aside. The Writ Petition is allowed.

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(A. GOPAL REDDY, J)

June 28, 2004
MRR

Copy to:

1. Presiding Officer, State Transport Appellate Tribunal, A.P., Hyderabad
2. Secretary, Regional Transport Authority, East Godavari District.
3. Two C.D. Copies.

[1] 1999 (6) ALD 289